

EXHIBIT C

The Honorable Judge Marsha Pechman

**UNITED STATE DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

TRAVIS MICKELSON, DANIELLE H.
MICKELSON, and the marital community
thereof,

Plaintiffs,

v.

CHASE HOME FINANCE, LLC, an unknown
entity; JPMORGAN CHASE BANK, N.A., a
foreign corporation; MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS,
INC., a foreign corporation; NORTHWEST
TRUSTEE SERVICES, INC., a domestic
corporation; JOHN DOES, unknown entities;
MORTGAGEIT, INC., a foreign corporation;
GMAC MORTGAGE CORPORATION, a
foreign corporation; CHICAGO TITLE, an
unknown corporation; ROUTH CRABTREE
OLSEN, P.S., a domestic Personal Services
Corporation; and FEDERAL HOME LOAN
MORTGAGE CORPORATION, a corporation,

Defendants.

No. C11-01445 MJP

**DEFENDANT NWTS' RESPONSES TO
PLAINTIFFS' FIRST SET OF
INTERROGATORIES AND REQUESTS
FOR PRODUCTION**

COMES NOW, Defendant Northwest Trustee Services, Inc. ("NWTS") and responds to
Plaintiffs Travis and Danielle Mickelson ("Plaintiffs") First Set of Interrogatories and Requests
for Production on Defendant NWTS ("Requests") as follows:

I. PRELIMINARY STATEMENT

These responses are made solely for the purpose of this action. Each response and each
document produced is subject to all appropriate objections (including, but not limited to,

question subject to numerous reasonable interpretations. Moreover, Plaintiff's First Set of Interrogatories and Requests for Production are written so broadly that they can reasonably be interpreted to seek irrelevant or otherwise undiscoverable information.

3. NWTS objects on the basis that much of the information requested is subject to attorney client privilege and the work product doctrine.

4. NWTS objects on the basis that much of the information requested is irrelevant, even under the broad definition of relevance as put forth in Fed. R. Civ. P. 26 as it does not seek information likely to lead to admissible evidence.

5. NWTS objects on the basis that, as written, Plaintiff's First Set of Interrogatories and Requests for Production are unduly burdensome and overbroad such that they would require extensive, unreasonable, expensive, and labor-intensive investigation that is out of proportion to, and cannot be justified in light of Plaintiff's claims. *See* Fed. R. Civ. P. 26(b).

III. SPECIFIC RESPONSES TO REQUESTS

INTERROGATORIES AND REQUESTS FOR PRODUCTION

INTERROGATORY NO. 1: Identify all persons who provided information or assisted in any manner with the preparation of your answers and responses to this first set of interrogatories and requests for production. For each person listed, describe in detail what information or assistance was provided. Include the position held by the person, the length of time the respondent has held this position, and the duties performed for Defendant.

ANSWER:

NWTS objects to Interrogatory No 1 as it seeks irrelevant information not likely to lead to the discovery of admissible evidence. Additionally, NWTS objects to Interrogatory No 1 to the extent it seeks information protected by attorney-client privilege and the work-product doctrine. Without waiving these objections, Gwenna Wootress, In House Counsel for NWTS, Jeff Stenman, Senior Foreclosure Manager and Vice President for NWTS, and Vonnie McElligott,

1 Foreclosure Team Manager and Assistant Vice President for NWTS provided information and
 2 assisted with the preparation of the answers and responses herein.

3
 4 **INTERROGATORY NO. 2:** For each of the above persons please state whether they have
 5 personal knowledge regarding the non-judicial foreclosure.

6 **ANSWER:**

7 NWTS objects to Interrogatory No. 2 to the extent it seeks information protected by attorney-
 8 client privilege and the work-product doctrine. NWTS also objects to this request as it is vague,
 9 ambiguous, NWTS is unable to ascertain what information is being requested. Without waiving
 10 any such objection, Vonnie McElligott and Jeff Stenman have personal knowledge of the
 11 nonjudicial foreclosure.

12
 13 **INTERROGATORY NO. 3:** State whether you had proof that Chase Home Finance LLC, or
 14 other person or entity, was the beneficiary and the owner of any promissory note or other
 15 obligation secured by the Deed of Trust. If YES, identify fully all persons, entities,
 16 communications and documents identifying Chase Home Finance LLC or other person or entity,
 17 as such; and include, with particularity, the subject, time, date, manner and place of such proof.

18 **ANSWER:**

19 NWTS objects to Interrogatory No. 3 as it is vague, ambiguous, overbroad and burdensome.
 20 NWTS also objects to Interrogatory No. 3 as it seeks information not reasonably calculated to
 21 lead to discovery of admissible evidence. "The borrower should be indifferent as to who owns or
 22 has an interest in the note so long as it does not affect [her] ability to make payments on the
 23 note." *See In re Veal*, 450 BAR. 897, 912 (I.E. 9th Cir. 2011); *see also id.* ("[Plaintiffs] should
 24 not care who actually owns the Note –and it is thus irrelevant whether the Note has been
 25 fractionalized or securitized—so long as they know who they should pay."). Without
 26 waiving any such objection, Yes. NWTS received a declaration dated August 17, 2010, which

1 was signed by Susan Massie, as Vice President of Chase Home Finance, LLC declaring Chase
2 Home Finance LLC the actual holder of the note.

3
4 **REQUEST FOR PRODUCTION NO. 1:** Produce copies of all documents identified in
5 Interrogatory No. 3.

6 **RESPONSE:**

7 NWTS will provide the Beneficiary Declaration.

8
9 **INTERROGATORY NO. 4:** This interrogatory is specific to defendant Northwest Trustee
10 Services' contention in the Notice(s) of Trustee's Sale that the Deed of Trust is to secure an
11 obligation in favor of MERS, as Beneficiary. Identify and explain what you mean by beneficiary
12 in your notice(s) and define the specific benefit(s) you contend are, and were held, by MERS.

13 **ANSWER:**

14 Defendant NWTS objects to Interrogatory No. 4 on the basis that it seeks a purely legal
15 conclusion unrelated to fact, is vague and ambiguous, and NWTS is unable to ascertain what
16 information is being requested.

17 **INTERROGATORY NO. 5:** This interrogatory is specific to defendant Northwest Trustee
18 Services' contention in the Notice(s) of Default or Foreclosure that the "attached Notice of
19 Trustee's Sale is a consequence of default(s) of the obligation to the Beneficiary of your Deed of
20 Trust" identify and define the specific obligations you contend were owed by Plaintiffs and
21 identify the person or entity to whom these obligations are owed.

22 **ANSWER:**

23 Defendant NWTS objects to Interrogatory No. 5 on the basis that it is vague and ambiguous, and
24 NWTS is unable to ascertain what information is being requested. Without waiving any such
25 objection, pursuant to information received by NWTS from Chase Home Finance LLC and the
26 public record, Travis and Danielle Mickelson are the borrowers under a promissory note in the

1 ANSWER:

2 NWTS objects to Interrogatory No. 10 as it is not reasonably calculated to lead to the discovery
3 of admissible evidence, it is vague, ambiguous, NWTS is unable to ascertain what information is
4 being requested, and it is overbroad and burdensome as it places an inordinate burden and
5 expense on NWTS to respond.

6
7 REQUEST FOR PRODUCTION NO. 5: Produce copies of all documents identified in
8 response to Interrogatory No. 10.

9 RESPONSE:

10 NWTS objects to this request as not reasonably calculated to lead to the discovery of admissible
11 evidence, it is vague, ambiguous, NWTS is unable to ascertain what information is being
12 requested, and it is overbroad and burdensome as it places an inordinate burden and expense on
13 NWTS to respond. Without waiving any such objection, no documents were identified in
14 response to Interrogatory No. 10.

15
16
17 INTERROGATORY NO. 11: Please identify the date or dates you contend this loan went into
18 default and explain in detail all facts in support thereof.

19 ANSWER:

20 NWTS objects to Interrogatory No. 10 as it requests information already in the custody and
21 control of Plaintiff. Pursuant to information, including the referral to commence a nonjudicial
22 foreclosure on the subject property, the loan is due for August 1, 2008.

23
24 INTERROGATORY NO. 12: State whether or not you have any direct or indirect employment,
25 financial, or managerial relationship with defendant Routh Crabtree Olsen, P.S., or any other
26 defendant or defendant's attorneys. If the answer is yes, then explain in detail the full nature and

1 ANSWER:

2 NWTS objects to Interrogatory No. 13 as it seeks irrelevant information not likely to lead to the
3 discovery of admissible evidence, and NWTS objects to Interrogatory No. 13 as it is vague,
4 ambiguous, and NWTS is unable to ascertain what information is being requested.
5

6 **REQUEST FOR PRODUCTION NO. 7:** Produce copies of all documents identified in
7 Interrogatory No. 13.

8 RESPONSE:

9 NWTS objects to this request as not reasonably calculated to lead to the discovery of admissible
10 evidence, it is vague, ambiguous, and NWTS is unable to ascertain what information is being
11 requested.
12

13 **INTERROGATORY NO. 14:** State whether Jeff Stenman, Vonnie McElligott, and Rhea S. Pre
14 are, or were at anytime in the last five years, your employees, agents or contractors. If yes,
15 identify the full nature and extent of such relationship, their present home address, present
16 business address, present home and business telephone number, present or last known position,
17 job title and business affiliation at the time in question.

18 ANSWER:

19 NWTS objects to this request as not reasonably calculated to lead to the discovery of admissible
20 evidence, it is vague, ambiguous, and NWTS is unable to ascertain what information is being
21 requested, and is protected by attorney-client privilege and work product doctrine.

22 Without waiving these objections, NWTS provides the following:

- 23 • Jeff Stenman
24 13555 SE 36th St., Suite 200
25 Bellevue, WA 98006
26 Senior Foreclosure Manager
Vice President

- Vonnie McElligott
13555 SE 36th St., Suite 200
Bellevue, WA 98006
Foreclosure Team Manager
Assistant Vice President
- Rhea Pre
13555 SE 36th St., Suite 200
Bellevue, WA 98006
Foreclosure Assistant

REQUEST FOR PRODUCTION NO. 8: Produce copies of all documents identified in Interrogatory No. 14.

RESPONSE:

NWTS objects to this request as not reasonably calculated to lead to the discovery of admissible evidence, it is vague, ambiguous, and NWTS is unable to ascertain what information is being requested. No documents were identified in response to Interrogatory No. 14.

INTERROGATORY NO. 15: Do you contend you were the successor trustee on the Deed of Trust. If yes, explain in detail the basis for this contention and identify all persons or documents which support this contention.

ANSWER:

Yes. Chase Home Finance LLC successor by merger to Chase Manhattan Mortgage Corporation, through its attorney in fact by Power of Attorney recorded under Island County Washington Auditor's File No. 4152512 executed and recorded an appointment of successor trustee ("Appointment of Successor Trustee") naming Northwest Trustee Services, Inc. the successor trustee under Plaintiffs' Deed of Trust. The Appointment of Successor Trustee was recorded September 19, 2008, under Island County Auditor's File No. 4236911.

REQUEST FOR PRODUCTION NO. 9: Produce copies of all documents identified in Interrogatory No. 12.

ATTORNEY CERTIFICATION

The undersigned, as attorney for Defendant Northwest Trustee Services, Inc. certifies to the best of her knowledge, information and belief, formed after a reasonable inquiry that the responses and objections are: (1) consistent with the Civil Rules and warranted by existing law or a good faith argument for the extension, modification or reversal of existing law; (2) not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation; and (3) not unreasonable or unduly burdensome or expensive, given the needs of the case, the discovery already had in the case, the amount in controversy and the importance of the issues at stake in the litigation.

DATED this 23rd day of February, 2012.

ROUTH CRABTREE OLSEN, P.S.



Heidi E. Buck, WSBA No. 41769
Of Attorneys for Defendants Northwest
Trustee Services, Inc. and Routh Crabtree
Olsen, P.S.